

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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THE UNITED STATES LIFE INSURANCE COMPANY :  
IN THE CITY OF NEW YORK,

Case No. 08 Civ. 1482

Plaintiff,

: Hon. Sidney H. Stein

v.

JORGE LUIS SANTANA, executor for Estate of MARIA  
CORGINO PENA, and FRANCISCO ANTONIO GOMEZ, :

**NOTICE OF MOTION**

Defendants. :

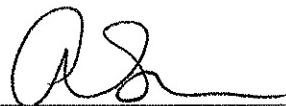
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**PLEASE TAKE NOTICE** that upon the annexed declaration of **AMI SHAH**, affirmed on July 9, 2008, and upon the exhibits attached thereto, and the pleadings herein, Plaintiff, THE UNITED STATES LIFE INSURANCE COMPANY IN THE CITY OF NEW YORK, will move this Court on the 14<sup>th</sup> day of August, 2008 at 11:30 a.m. in Room 23 A before Hon. Sidney H. Stein, United States District Judge, for an order pursuant to 55(b)(2) of the Federal Rules of Civil Procedure granting default judgment.

**I declare under penalty of perjury that the foregoing is true and correct.**

Dated: White Plains, New York  
July 9, 2008



Fred N. Knopf (FNK4625)  
Ami Shah (AS7812)  
Attorneys for Plaintiff  
Wilson Elser Moskowitz Edelman & Dicker LLP  
3 Gannett Drive  
White Plains, New York 10604

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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THE UNITED STATES LIFE INSURANCE COMPANY  
IN THE CITY OF NEW YORK,

Case No. 08-CV-1482

Plaintiff,

**CLERK'S CERTIFICATE**

v.

JORGE LUIS SANTANA, executor for Estate of MARIA  
CORCINO PENA, and FRANCISCO ANTONIO GOMEZ,  
Defendants.

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I, J. MICHAEL MCMAHON, Clerk of the United States District Court for the Southern District of New York, do hereby certify that this action commenced on February 13, 2008 with the filing of a summons and complaint, a copy of the summons and complaint was served on defendant Francisco Antonio Gomez by personally serving Luisa Ines Almanzar, attorney to defendant Gomez, on April 30, 2008 and proof of such service was filed on May 28, 2008; and on defendant Jorge Luis Santana, executor for Estate of Maria Corcino Pena, by personal service, on March 4, 2008 and proof of such service was filed on May 21, 2008.

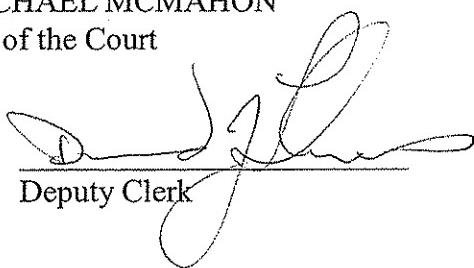
I further certify that the docket entries indicate that the defendants have not filed an answer or otherwise moved with respect to the complaint herein. The default of the defendants is hereby noted.  
Dated: New York, New York

Tue 8, 2008

J. MICHAEL MCMAHON  
Clerk of the Court

By:

Deputy Clerk



Fred N. Knopf (FNK4625)  
Ami Shah (AS7812)  
Wilson Elser Moskowitz Edelman & Dicker LLP  
3 Gannett Drive  
White Plains, New York 10604  
Attorneys for Plaintiff

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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THE UNITED STATES LIFE INSURANCE COMPANY :  
IN THE CITY OF NEW YORK, : Case No. 08 Civ. 1482

: Plaintiff, :  
v. : Hon. Sidney H. Stein

JORGE LUIS SANTANA, executor for Estate of MARIA  
CORCINO PENA, and FRANCISCO ANTONIO GOMEZ,: **DEFAULT JUDGMENT**

Defendants. :

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This action having been commenced on February 13, 2008 by the filing of the Summons and Complaint, and a copy of the Summons and Complaint having been personally served on the defendant Francisco Antonio Gomez by personally serving Luisa Ines Almanzar, attorney to defendant Gomez, on April 30, 2008 and proof of such service was filed on May 28, 2008; and on defendant Jorge Luis Santana, executor for Estate of Maria Corcino Pena, by personal service, on March 4, 2008 and proof of such service was filed on May 21, 2008, and the defendants not having answered the Complaint, and the time for answering the complaint having expired, it is

**ORDERED, ADJUDGED AND DECREED:** That the plaintiff has judgment against defendants including the following relief:

- (a) the benefits under the Policy are not payable because there is no due proof of death;
- (b) payment under the Policy has not been triggered because there is no due proof of death; and
- (c) For such other relief the Court deems proper, just and equitable.

Dated: White Plains, New York  
July 9, 2008

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U.S.D.J.

This document was entered on the docket  
on \_\_\_\_\_.